

REMARKS

This response is filed in answer to the Office Action dated October 4, 2005. In that Action, the Examiner withdrew the earlier indicated allowability of Claim 8 in view of the newly discovered Sebastian reference, U.S. Patent 5,728,055. In applicant's earlier response filed September 26, 2005, applicant had combined the elements of allowed dependent Claim 8 with independent Claim 1. In this Action, Claim 1 was rejected along with Claims 9, 10, 14, 24-26, 28, 31 and 33-35 under 35 U.S.C. § 103 as being unpatentable over Everard in view of Tickle, Martin, and Sebastian. In addition, Claims 11, 12 and 30 were rejected under 35 U.S.C. § 103 as being unpatentable over Everard in view of Tickle, Martin, and Sebastian and further in view of Hajek.

Initially applicant points out that Everard Patent No. D293,364 is a design patent and, as such, discloses nothing about the nature of, or even the existence of a seal between the upper and lower tube elements.

The Tickle '713 reference is described by the Examiner as being a "similar device" but in fact, Tickle does not disclose an inflatable structure but rather is described as a hollow shell molded of a low-density polyethylene. In any event, Tickle is cited only for its disclosure of a drain valve to prevent drainage during usage of the device. Claim 1 as presently presented does not recite a drain and thus, Tickle has no applicability to the rejection of Claim 1.

Likewise, Martin, U.S. Patent No. 3,816,858 is cited for its disclosure of an air valve, a structure which is not set forth in Claim 1.

Sebastian U.S. Patent No. 5,728,055, discloses a therapeutic lumbosacral appliance. The Examiner describes the Sebastian reference as disclosing a "similar inflatable device", but in fact, the lumbosacral belt of Sebastian is not similar to applicant's inflatable shampoo basin. In particular, Sebastian does not disclose: a bottom wall constructed from an imperable material; a

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

plurality of inflatable tubes mounted one atop the other, the uppermost tube defining an opening in which the person whose hair is to be washed may rest his head and finally, Sebastian does not disclose an inflatable head support structure mounted on the bottom wall of a shampoo basin adjacent the opening. As such, it would not be obvious to combine the Everard design patent and the Sebastian reference to anticipate the structure of applicant's invention as presently claimed in Claim 1. While Sebastian does disclose the use of a heat seal to join two polyurethane-coated nylon sheets positioned one above the other along certain seal lines to divide an air bladder into smaller chambers, and does disclose enlarging the ends of the seal lines for strengthening purposes, Sebastian does not disclose the use of heat seal technology to exteriorly join two separate inflatable rings together along a seal line to prevent separation of the tubular members when a force is applied from the opening in the upper tubular member. The forces encountered by the heat seal of applicant's invention are significantly different in size and direction compared to the forces encountered by the seals of the lumbosacral belt of Sebastian and applicant submits it would not be obvious to look to the Sebastian reference to find a solution to the problem solved by applicant's invention as claimed in Claim 1. In point of fact, there is no teaching in either the Everard design patent or the Sebastian reference that these patents should or could be combined in any way to make obvious the structure of Claim 1 as amended.

Applicant's proposed independent Claims 28 and 31 have also been rejected over the same combination of references as Claim 1 under 35 U.S.C. § 103 and the above arguments are equally applicable to the rejection of these claims. Both claims have been amended to add a recitation of the inflatable head support mounted on the bottom wall of the shampoo basin, a structure clearly not disclosed in the cited references.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Claims 11, 12 and 30 which have been cancelled, but whose subject matter has been added to the independent Claims 1, 28 and 31, were rejected over the same combination of references taken further with Hajek U.S. Patent 4,419,774, which has been cited for its alleged disclosure of "an inflatable head support structure 36". Initially, the Hajek reference does not disclose a shampoo basin formed of a plurality of stacked inflatable tubular members. Neither does Hajek disclose an inflatable head support mounted on the base of the shampoo basin but rather a bag of granules of soft particulate matters such as polystyrene foam disposed within a second bag. See Col. 2, line 65, through Col. 3, line 20. As such, the Hajek reference discloses a very different solution to the problem of supporting a user's head and the combination of Hajek with Everard, Sebastian, Tickle and Martin is in no way suggested by the references themselves nor, would it produce a structure which could possibly render any of applicant's claims obvious.

Dependent Claims 9, 10, 14, 25, and 26 add additional structure to independent Claim 1, while Claim 14 and Claims 32-35 do likewise for independent Claims 28 and 31 respectively. As such, applicant respectfully submits that the dependent claims are also allowable.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Applicant submits that in light of the above amendments and arguments the submitted claims are allowable and allowance is respectfully requested.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



James R. Uhler

Registration No. 25,096

Direct Dial No. 206.695.1703

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100